

REMARKS

In response to the Official Action mailed November 4, 2003, Applicants amend their application and request reconsideration. In this Amendment, no claims are added, canceled, or amended, and claims 1-17 remain pending. No new matter has been added.

The Examiner is requested to approve the accompanying replacement drawings. Pursuant to the Official Action, replacement Figures 37-45 include a legend designating them as prior art.

Claims 1-8, 10, and 12-17 were rejected as anticipated by Fukuda et al. (US Patent 6,163,318, hereinafter Fukuda). Applicants did not understand precisely how Fukuda was being applied in the rejection. A personal interview was conducted with the Examiner on January 30, 2004. Based on that interview, Applicants now understand the Examiner's position to be that the windows management section 3 of Fukuda corresponds to the managing means of claim 1, that window management table 5 of Fukuda corresponds to a monitoring process that monitors the overlapping state of windows, and that windows management section 3 of Fukuda outputs requests to detect the overlapping state of windows at different periods for each displayed window. In view of this understanding, the rejection is respectfully traversed.

Regarding claims 1 and 11, Fukuda does not teach a managing means for outputting processing requests that request the execution of a monitoring process, where the processing requests are output at output periods that are different for respective windows. In the present invention, the processing requests are output periodically at output periods. By contrast, Fukuda only detects the overlapping state of windows when a new window is initialized or when a window graph needs to be displayed, due to an update in the windows management table resulting from a movement, resizing, or inversion of the window (see Figs. 4, 6, 7, 9, 10, 11, and 16 of Fukuda). Thus, the overlapping state is not detected according to a periodic request, but is instead detected only when a new window is added or an existing window is altered.

Moreover, the detection of the overlapping state of windows is not performed at a different period for each respective window. In the process of Fukuda, the overlapping state of each of the windows is checked at the same time, i.e. when the window graph is displayed (see S21 of Figs. 6 and 7 of Fukuda). Thus, even if Fukuda did check the overlapping state of windows periodically, which it does not, the detection requests are output at the same output period for each respective window, since the overlapping state for all windows is determined from a single read of the window management table 5 (see Figure 5 of Fukuda).

Furthermore, the overlapping state of all windows is necessary to form the window graph, thus it would not make sense to check on the overlapping state of an individual window, since such information would be useless in forming a window graph for all displayed windows.

Still further, Fukuda does not disclose outputting the processing result to the windows corresponding to the monitoring process. In Fukuda, the processing result, i.e., the overlapping state of each window, is output in the form of a window graph. The overlapping state for each window is not displayed in that corresponding window (see column 4, lines 47-50 of Fukuda).

Regarding claims 2 and 12, the input means 1 of Fukuda is simply not described as setting the output period of anything. The only input mentioned is a mouse click on a window (see column 7, line 1-5 of Fukuda). As previously explained, an output period is not disclosed by Fukuda.

Regarding claims 4, 5, and 14, Fukuda does not teach an output period, and thus cannot begin to anticipate those claims.

Regarding claims 6, 7, and 16, Fukuda fails to teach a timer of any kind.

Thus, Fukuda fails to teach all of the limitations of claims 1-8, 10, and 12-17. Accordingly, the rejection is erroneous and should be withdrawn.

Claims 9 and 11 were rejected as unpatentable over Fukuda in view of Ho et al. (US Patent 5,739,821, hereinafter Ho). That rejection is respectfully traversed.

Ho fails to teach or suggest those limitations that are absent from Fukuda as previously discussed. Thus, the combination of Fukuda and Ho fails to teach or suggest all of the limitations of claims 9 and 11. Accordingly, *prima facie* obviousness has not been established, and the rejection should be withdrawn.

Since no claim has been amended, no new rejection, based upon newly applied prior art or a new legal ground, can properly be a final rejection.

In re Appln. of ITABA et al.
Application No. 09/712,175

Reconsideration and withdrawal of the rejections are earnestly solicited.

Respectfully submitted,



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AWF/tps

2/21/04

Amendment or ROA - Regular (Revised 9/03/03)